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In re Application of
NOUTARY
U.S. Application No.: 10/566,745
PCT No.: PCT/EP2005/012448
Int. Filing Date: 26 July 2004
Priority Date: 01 August 2003
Docket No.: JG-ELK-5232/501100.20017
For: A PRINTING INK

DECISION

This is a decision on the request to add an inventor in the above-captioned application filed 24 July 2006. This is treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 01 February 2006, applicant filed papers to enter the national phase of PCT/EP2005/012448 pursuant to 35 U.S.C. 371. The international publication ("WO/2005/012448") recorded Carole Noutary as the sole inventor of PCT/EP2005/012448.

On 11 May 2006, applicant submitted a declaration executed by Ms. Noutary.

On 30 June 2006, applicants filed the subject petition which was accompanied by, *inter alia*, an executed declaration; the processing fee; a "Statement of Angelique Catherine Joyce Runacre"; and a "Declaration" of the assignee.

DISCUSSION

Applicants request to add Ms. Runacre as an inventor in the above-captioned application. 37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:

(1) A statement from each person being added as an inventor that any

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DUE NOV 8, 2006 *Reconsideration Due*

error in inventorship in the international application occurred without deceptive intention on his or her part;

(2) The processing fee set forth in § 1.17(l); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees.

Here, applicants filed a statement by Ms. Runacre who requests to be added as an inventor in the above-captioned application. Ms. Runacre states that the error in inventorship "occurred without deceptive intention on my part." The processing fee of \$130.00 has been paid. Petitioner also states that the assignment to Sericol Limited is recorded at reel 016075, frame 0758 and submitted a declaration of the assignee consenting to the change of inventorship. This document was signed by Robert Augustus Fassam as Technical Director.

The Consent of Assignee is not accepted for the following reason. MPEP § 324 states that: "[a] person having a title (manager, director, administrator, general counsel) that does not clearly set forth that person as an officer of the assignee is not presumed to be an officer of the assignee or to have authority to sign the statement on behalf of the assignee.

The consent of assignee was signed by Mr. Fassam as Technical Director of Sericol Limited. This position is not presumed to have authority to sign the statement on behalf of the assignee. In addition, the submission does not set forth that Mr. Fassam is authorized to act on behalf of the assignee.

Therefore, all the requirements of 37 CFR 1.497(d) are not yet complete.

CONCLUSION

For the reason discussed above, applicants' request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

It is also noted that the declaration signed by Ms. Runacre does not list all of the inventors. Thus, this declaration does not comply with 37 CFR 1.497(a)(3).

Any further correspondence with respect to this matter deposited with the United

States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

A handwritten signature in cursive script that reads "James Thomson".

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